

### REMARKS

In the Office Action dated August 18, 2004, claims 1-20 were presented for examination. Claims 10 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 9 and 18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 1-8, 10-17, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by *Klein et al.*, U.S. Patent No. 6,138,194.

Applicant wishes to thank the Examiner for the careful and thorough review and action on the merits in this application. The following remarks are provided in support of the pending claims and responsive to the Office Action of August 18, 2004 for the pending application.

#### **I. Rejection of claim 10 under 35 U.S.C. §112, second paragraph**

Claim 10 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has canceled claim 10. Accordingly, Applicant respectfully requests that the Examiner remove this rejection.

#### **II. Rejection of claims 1-8, 11-17, 19, and 20 under 35 U.S.C. §102(b)**

In the Office Action of August 18, 2004, the Examiner assigned to the application rejected claims 1-8, 11-17, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by *Klein et al.* ('194). The *Klein et al.* patent ('194) relates to an apparatus for sensing movement of a bus card and control of the delivery of power in response to movement of the card. More specifically, the detector of *Klein et al.* is comprised of an optical card detector 210, a slot 204, a card detect signal 216, and a controller 200. As shown in Fig. 2, a card is received by a physical slot 204. An optical card detector 210 is provided "within the physical slot 204", *i.e.* internal to

the slot, see Col. 4, lines 31 and 32, and not external to the slot. In addition, the detector 210 is in electrical communication with the physical slot 204 via a controller 200. It is the controller of *Klein et al.* that communicates a detected movement from the card to a switch. Accordingly, the detector of *Klein et al.* is comprised of a sensor that communicates motion of a card within a slot to a controller that is in electrical communication with a switch.

Applicant's invention is a detector that includes two primary components, a sensor and a switch. The sensor and the switch are enclosed in a housing and are connected as a single unit to function as a detector. As shown in Fig. 2 and recited in amended claims 1 and 12, the detector of Applicant is external to the connector holding the module. Furthermore, Applicant's switch is directly responsive to the activation of the sensor.

With respect to claims 1 and 12, there is no teaching in *Klein et al.* for locating the sensor external to the connector holding the module. In fact, *Klein et al.* clearly shows in Fig. 2 that the card detector 210 is within the physical slot 204 adapted to house the card. See Col. 4, line 32. Applicant has amended claims 1 and 12 to include the limitation of the location of the sensor with respect to the connector, and specifically that the sensor of Applicant is not within the connector. In order for the claimed invention to be anticipated under 35 U.S.C. §102(b), the prior art must teach all claimed limitations presented by the claimed invention. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)). As mentioned above, *Klein et al.* does not show all of the elements as claimed by Applicant in pending claims 1 and 12. Specifically, *Klein et al.* does not support placement of a sensor external to the connector, rather *Klein et al.* incorporates their sensor internal to the connector. Although Fig. 4 of *Klein et al.* shows a mechanical sensor 406 mounted external to the connector, this sensor only functions when the card is "fully inserted" into the associated connector. Applicant's sensor is calibrated to detect "initial motion" and is not limited to sensing a complete connection associated with a full insertion into a connector slot. Accordingly, *Klein et al.* clearly fails to teach the limitations pertaining to the location of the sensor with respect to the connector

as presented in Applicant's pending claims 1 and 12.

With respect to claims 2-8, 11, and 13-17 there is no teaching in *Klein et al.* to provide a sensor actuator or a shutter assembly actuator represented by item 406. In fact, item 406 of *Klein et al.* is a switch. See Col. 6, line 12. The switch 406 of *Klein et al.* shown in Fig. 4 is a mechanical switch, and does not function as a sensor for detecting motion prior to disconnect. The mechanical switch of *Klein et al.* is limited to indicating connection of a card if the switch is "fully depressed". Applicant teaches a shutter assembly and a shutter assembly actuator in communication with the switch to communicate a calibrated movement of the sensor to the switch. It is the sensor of Applicant in combination with the shutter that detects initial movement, such as vibration, and communicates such initial movement to a power source. There is no teaching of a shutter assembly nor a shutter actuator associated with the switch of *Klein et al.*

With respect to claim 19, *Klein et al.* teaches a mechanical switch 406 for detecting full insertion of a card into a connector. See Fig. 4, and Col. 6, lines 8-14. However, *Klein et al.* does not provide any information pertaining to the switch 406 detecting motion prior to disconnect, or a shutter assembly in communication with the switch. "A previous patent anticipates a purported invention only where, except for insubstantial differences, it contains all of the same elements operating in the same fashion to perform an identical function." *Saunders v. Air-Flo Co.*, 646 F.2d 1201, 1203 (7<sup>th</sup> Cir. 1981) citing *Popeil Brothers, Inc. v. Schick Electric, Inc.*, 494 F. 2d 162, 164 (7<sup>th</sup> Cir. 1974) (holding patents were not invalid as being anticipated by or obvious in light of prior art). *Klein al.* does not anticipate the invention of Applicant based upon the legal definition of anticipation. Although the prior art cited by the Examiner relates to switches and module connectors associated therewith, *Klein al.* fails to show each and every element as presented in Applicant's claimed invention. In fact, *Klein et al.* does not show a shutter assembly or a shutter assembly actuator. The mechanical switch 406 of *Klein et al.* does not show or discuss any further limitations that may be interpreted as a shutter or shutter assembly. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of claims 1-20, and provide allowance of this application.

*Klein et al.* specifically teaches a sensor that is internal to the physical slot, i.e. connector, as is clearly shown in Fig. 2 and discussed at Col. 4, line 32, and alternatively a mechanical sensor mounted external to the connector slot to detect two extreme positions. Applicant has amended claims 1 and 12 to specify the location of the sensor with respect to the connector, which is not internal to the connector, together with detection of initial movement. Therefore, *Klein et al.* does not teach all claimed limitations presented by the claimed invention. Accordingly, for the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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